

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Dwight D. Keen, Chair
 Susan K. Duffy
 Andrew J. French

In the Matter of the Emergency Suspension of)
Operating Authority of **Land Beaver LLC of**)
Lawrence, Kansas, for Failure to Comply with)
New Entrant Safety Requirements as Required by)
the Motor Carrier Safety Statutes, Rules and)
Regulations.)

Docket No. 16-TRAM-055-OOS

ORDER REINSTATING MOTOR CARRIER OPERATING AUTHORITY

The above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission) upon its own motion. The Commission, being fully advised in the premises, finds as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112g, and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.A.R. 82-4-3f, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority, and jurisdiction.

2. Pursuant to K.S.A. 66-1,129a, 66-1,130, and 66-1,142b, and amendments thereto, the Commission may suspend operations, revoke, or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in

regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision, or regulation of the Commission.

3. Pursuant to K.S.A. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-3f) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. BACKGROUND

4. Land Beaver LLC is a motor carrier as defined in K.A.R. 82-4-3f that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Land Beaver LLC is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2491464.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Land Beaver LLC's New Entrant Registration had been revoked effective July 28, 2015, for failure to comply with safety requirements.

7. Pursuant to the above authority, on August 4, 2015, the Commission entered an Emergency Suspension of Operating Authority Order on Land Beaver LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

III. STAFF'S RECOMMENDATION

8. Staff submitted a Report and Recommendation (R&R), dated June 17, 2022, attached hereto as "Exhibit A" and is hereby incorporated by reference. In its R&R, Staff made recommendations regarding Carrier.

9. On January 3, 2022 the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, that Land Beaver LLC has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 2491464 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation.

10. Carrier further submitted evidence of attendance at a Kansas Corporation Commission-sponsored safety seminar. Joshua Register attended on May 19, 2022.

11. Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate Land Beaver LLC's motor carrier operating authority in Kansas.

IV. CONCLUSIONS OF LAW

12. The Commission finds it has jurisdiction over Land Beaver LLC because it is a motor carrier as defined in K.A.R. 82-4-3f.

13. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Land Beaver LLC's operating authority in Kansas is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

A. Land Beaver LLC's certificate, permit or license that is necessary to carry on the business of a private and/or public motor carrier in Kansas is hereby reinstated.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 06/23/2022



Lynn M. Retz
Executive Director

AAL

**REPORT AND RECOMMENDATION
TRANSPORTATION DIVISION**

TO: Dwight D. Keen, Chair
Susan K. Duffy, Commissioner
Andrew J. French, Commissioner

FROM: Mike Hoeme, Director of Transportation
Gary Davenport, Deputy Director of Transportation

DATE: June 17, 2022

SUBJECT: Docket No. 16-TRAM-055-OOS
In the Matter of the Emergency Suspension of Operating Authority of **Land Beaver LLC of Lawrence, Kansas**, for Failure to Comply with New Entrant Safety Requirements as Required by the Motor Carrier Safety Statutes, Rules and Regulations.

EXECUTIVE SUMMARY:

Land Beaver LLC (Carrier) is a private motor carrier, primarily hauling machinery, large objects, grain, feed and hay. Carrier operates under United States Department of Transportation (USDOT) No. 2491464. On July 17, 2015, the Federal Motor Carrier Safety Administration (FMCSA) forwarded a notice of violation(s) of the federal motor carrier safety regulations to Carrier, wherein Carrier was given 10 days to comply with the regulations. On July 28, 2015, FMCSA records indicate Carrier had not complied with new entrant requirements. As a result, the FMCSA issued Carrier an Order to Revoke "New Entrant" Registration and Cease All Interstate Transportation.

On August 4, 2015, the Commission entered an Emergency Suspension of Operating Authority Order on Land Beaver LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

On January 3, 2022, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, that Land Beaver LLC has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 2491464 has been approved and the carrier's authority to operate in interstate operations has been reinstated.

The carrier also attended a Commission Sponsored Safety Seminar on May 19, 2022.

Based on the Federal Motor Carrier Safety Administration's reinstatement, Staff recommends reinstatement of Land Beaver LLC's motor carrier operating authority in Kansas.

DISCUSSION AND ANALYSIS:

K.S.A. 66-1,129a states:

a) The commission, at any time for good cause shown, may suspend the operation of any motor carrier subject to economic or safety rules and regulations adopted by the commission. Upon notice and an opportunity to be heard in accordance with the provisions of the Kansas administrative procedure act, the commission may revoke, amend, initiate sanctions or fine any motor carrier who has a certificate, license or permit issued by the commission or is subject to the safety rules and regulations adopted by the commission. Any motor carrier suspended prior to a hearing must be afforded the opportunity of a hearing on the matter. If such a hearing is requested, the hearing shall be held within 10 days of the request.

On July 17, 2015, the FMCSA forwarded a notice of violation(s) of the federal motor carrier safety regulations to Carrier, wherein Carrier was given 10 days to comply with the regulations. On July 28, 2015, FMCSA records indicate Carrier had not complied with new entrant requirements. As a result, the FMCSA issued Carrier an Order to Revoke "New Entrant" Registration and Cease All Interstate Transportation.

On August 4, 2015, the Commission entered an Emergency Suspension of Operating Authority Order on Land Beaver LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

RECOMMENDATION:

On January 3, 2022 the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, that Land Beaver LLC has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 2491464 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation.

Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate Land Beaver LLC's motor carrier operating authority in Kansas.

CERTIFICATE OF SERVICE

16-TRAM-055-OOS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 06/23/2022.

AHSAN LATIF, LITIGATION COUNSEL
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JOSHUA REGISTER, MANAGING MEMBER
LAND BEAVER LLC
2717 HARRISON PL
LAWRENCE, KS 66047-3067

/S/ DeeAnn Shupe

DeeAnn Shupe